

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF JANUARY 25, 1990

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a special meeting on Thursday, January 25, 1990 at 8:00 p.m. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

Mr. Filley opened the special meeting and proceeded with agenda items.

### ITEM #1 - Chairman's Report

Mr. Filley reported that the Executive Committee and several other Commissioners had met with the West Tisbury Planning Board Monday. It was a good discussion and a number of different town boards members were present including the Finance Committee, Selectmen, Conservation Commission and Assessors.

Mr. Filley continued by reporting that Commissioners also met briefly with the Edgartown Planning Board on Tuesday. We will be having another meeting with them on February 13 at 7:30 p.m. at the Planning Board offices. We will be sending the Planning Board some input regarding what we would like to discuss, i.e. standards & criteria, impact/exaction fees, etc. They will also send us some issues for discussion.

### ITEM #2 - Old Business

Mr. Filley asked Ms. Borer to report on her meeting today with representatives from the Steamship Authority.

Ms. Borer, Executive Director, reported that she and Ann Skiver, MVC transportation planner, met with Barry Fuller and some of his staff today and we are moving towards a planning document. We also met with the SSA's consultant who they will be hiring to examine potential parking lots, public transportation to the Woods Hole docks, etc. Ms. Borer closed by stating that she will keep the Commission posted on the progress of this undertaking.

### ITEM #3 - Minutes of January 18, 1990

It was motioned and seconded to approve the draft minutes as presented. There was no discussion. This motion passed with no opposition, 1 abstention, Young. (Harney abstained.)

Mr. Filley then took the agenda out of order and moved to Item #7.

ITEM #7 - New Business

Mr. Filley stated that a question has been brought before us by Ken Barwick, Tisbury Building Inspector, regarding whether or not the Vineyard Assembly of God's proposal qualifies as a DRI. He asked Ms. Borer to fill the Commissioners in on the details.

Ms. Borer explained that the applicant has requested a building permit from the Building Inspector and before he renders any decision on this, he has sent it to our Commission to determine if it qualifies as a DRI. Ms. Borer circulated plans for the proposal and briefly reviewed the major aspects, the proposal is for a Church of approximately 5,500 sq. ft. with an 81 space parking lot. Ms. Borer then introduced Mark Hutker, applicant's architect, to give the Commissioners more detail.

Mr. Hutker stated that he is the architect involved in this project, in addition the Pastor is also here if you have any questions for him. The proposal is for lot #50A, he showed the location on the plans and stated that it is on State Highway near the Scottish Bakehouse. The property has access via a right-of-way and there is residential use directly behind the site. The parcel is 1.47 acres and is in R3A zoning. The proposal meets the 50 foot front, and 35 foot side setback requirements for this district. The church will be in the front portion of the lot with the majority of the parking in the rear. The proposal is for initial construction of 4,856 sq. ft., with a capacity for 185 people. The second phase will expand the structure to 5,400 sq. ft. with a capacity for 226 people. The septic has been designed and approved for 226 people to allow for the possibility of this expansion. The approval has been granted by the Board of Health and is on file. The parking that is shown is for 81 spaces which includes the parking for the expansion, we actually need only 78 spaces according to zoning by-law. We are in the process on producing an engineered site plan for the Town. He reviewed the main aspects of the proposal including the following: two access, one on the side and the main one in the rear from the parking; 4 classrooms with possible division into 8; 2 bathrooms and 1 handicap bathroom; pastor's office; kitchen; vestibules and sanctuary. He reviewed the elevations of the site and stated that the building will be designed to utilize these elevations. We also anticipate building a playground in the rear at some time.

Mr. Filley then asked if there were any questions from the Commissioners.

Mr. Sullivan, Commissioner asked if the lot has been purchased yet? Mr. Hutker responded no, it is under agreement and is contingent upon receipt of a building permit.

Ms. Bryant, Commissioner, asked about handicap accessibility? Mr. Hutker reviewed the configurations of the site and the accesses. Ms. Bryant asked if this will be sent to the Architectural Barrier Board for approval? Mr. Hutker responded that it certainly meets their criteria and we can send it to them if you'd like.

Ms. Sibley, Commissioner, asked for clarification on the proposed location, is it on the opposite side of the street from the Bakehouse? Mr. Hutker responded yes. A Commissioner added, for clarification it is between Peacegate and Craig Kingsbury's property.

At the request of a Commissioner, Mr. Greg Barr, Pastor of the Church, gave a brief history of the Vineyard Assembly of God.

There was discussion among the Commissioners including discussion on the following points: traffic problems existing on this road at this location including high speeds and traffic accidents which occur, it was stated that traffic studies on the area where appropriate; the existing location of the Vineyard Assembly of God and its relation to the traffic problems of downtown Tisbury; the fact that a Church is an allowable use in the zoning district and the Town's by-laws as they relate to construction of a church; the Planning Board review required of any proposal with a parking lot for over 20 cars which entails review of drainage and landscaping; the questions of whether the facility would be private or public/quasi-public based on the fact that the organization that will own the facility is an incorporated entity; the peak hours of operation of the facility were estimated to be Sundays from 9:30-12:30 and Wednesday nights from 7:00-9:00 and it was stated that these hours were not peak traffic times; and whether the facility would serve the residents of more than one town.

After lengthy discussion it was motioned and seconded that the Vineyard Assembly of God proposal qualifies as a DRI under items #6a and #10 of the DRI checklist. This motion passed with a vote of 10 in favor, 5 opposed, 0 abstentions.

Ms. Borer was instructed to contact the Tisbury Building Inspector with the Commission's decision.

Mr. Filley then returned to Item #4 on the agenda.

#### ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Chairman of Land Use Planning Committee (LUPC), reported that they had met with representatives of the M.V. Hospital, Long Term Care Facility for an update, some of our questions were answered. We also received a letter from them which Ms. Borer will review.

Ms. Borer briefly reviewed the proposal as being a 44,000 sq. ft. long term care facility with 106 beds. The applicants have met with LUPC 3 times now. The application is still incomplete. We have received a letter from them requesting a waiver from the DRI filing fee and it is before the Commission to determine whether or not a waiver from the filing fee should be granted.

Mr. Early, Commissioner, asked if it is correct that the fee would be \$21,000. The response was yes. He then asked if the Long Term Care facility would be under a new corporate structure or under hospital administration? Ms. Borer stated that a new corporation will be formed, it will not be under the same administration as the existing Hospital. Mr. Early then asked if it will be for profit? Ms. Borer

responded yes.

Mr. Wey, Commissioner, asked won't part of the profits benefit the Hospital? Ms. Borer responded yes. Mr. Wey then asked, isn't one of the purposes of this venture to improve the Hospital's cash flow? The response was yes? Mr. Wey stated that if it will help the Hospital I am in favor of it.

Ms. Bryant, Commissioner, stated that this is a dilemma for her. \$21,000 fee is a lot and I know the Hospital has to break even but the MVC has \$60,000 in legal fees and \$140,000 lacking from State funding. The filing fee isn't to make money it is to cover costs of review such as staff time, document preparation, etc.

Ms. Borer added there are also publication costs, mailing fees, etc.

Mr. Early stated that he doesn't feel he could face his Town's Finance Committee after saying that we are doing everything we can to get funding from other sources and then waiving the entire fee for this DRI. There should be some fee.

Mr. Ewing asked is the Hospital non-profit? Ms. Borer responded yes, but there will be another corporation set-up for the Long Term Care Facility.

Ms. Borer stated that her suggestion is that should at least pay our costs, i.e. publication, certified mailings, recording of the decision at the Registry, etc. We could negotiate this and bill them at the end.

Mr. Jason echoed Ms. Borer's sentiments.

Ms. Colebrook asked if the proposed facility would have a sliding fee for its patrons? This was not known.

Mr. Early stated that we should be careful not to set a precedent here. The Hospital Foundation has been involved in substance abuse treatment and there is a possibility that a treatment facility would be built and this would be a for profit business. This would come before us too and would be very similar to this.

Mr. Schweikert, Commissioner, asked if during the meetings with LUPC the applicant has addressed the requirements for affordable housing and traffic analysis? Ms. Borer stated that LUPC has approved the scope of services for a traffic analysis. She stated that another thing that should be considered is if we waive the fee and the decision creates any negative feelings there is the possibility that we would have to hire counsel.

Mr. Early suggested that the Executive/Finance Committee could negotiate with the Hospital on a partial fee and come back to the full Commission for approval.

Ms. Sibley stated that when she first heard the \$21,000 figure she was appalled but when you look at the size and scope of the proposal and

the amount of staff time it will involve, the actual costs will probably be very close to this figure.

Mr. Filley asked if there was anyone who feels the fee should be waived entirely? Mr. Wey was the only response.

Ms. Harney, Commissioner, stated that we can not afford to waive the entire fee.

It was motioned and seconded that the Executive/Finance Committee should negotiate the filing fee with the applicants for the Long Term Care Facility and make its recommendation to the full Commission for their approval. This motion passed with a consensus vote.

Ms. Bryant stated that she hopes when the towns hear about this they will let us know how they feel, whether the full fee should be waived or not, that's who we need to hear from.

Mr. Morgan continued his report on LUPC by stating that there is no meeting scheduled for January 29th. He then reported as Legislative Liaison by stating that the electric rates would be going down thanks to local legislators on the Cape and the Vineyard. He stated that the rate will not go down to previous levels because of increases in fuel costs but as those costs go down the electric rates will decrease proportionately. Mr. Morgan also took this opportunity to state that not too long along there was talk of the towns' switching to sodium vapor lighting because it was so much cheaper, at this time, due to rate changes, incandescent lights are 2/3rd cheaper than sodium vapor lights.

Mr. Ewing, Chairman of the Edgartown Ponds DCPC, reported that he and Mr. Jason had attended a Planning Board workshop again this week. Mr. Tom Bales, MVC staff, was assigned to this DCPC and will be scheduling a meeting for next Thursday to review an exemption.

Ms. Sibley, Chairman of the West Tisbury Special Ways DCPC Committee, reported that they had met this week with the West Tisbury Planning Board and the ad-hoc trails committee and reviewed some proposed regulations they have worked out. We are ready for a public hearing.

Mr. Lee reported for the Gay Head Cliff Area DCPC Committee in the absence of Mr. Fischer, Chairman. He stated that we met again on Monday at 4:00 p.m. and had another site visit. A number of Commissioners have now been up to the Diem property and have looked at the land, the septic variances, etc. Every time anyone goes up there they are always amazed by this land. If this Island were a ship, this would be the figure head. This is an extraordinary bluff. It is a curious mixture, very fragile yet very stable. This would be an excellent investment for the Land Bank or other organization to preserve. Anything built on this portion of the property would change for all time the character of this bluff. We have asked the applicant for a couple of more weeks so we can get as many Commissioners as possible up there to see this property. We are very concerned, particularly with dwelling locations and, while we don't want to close out the applicant's possibilities, we want as much input as possible.

I urge any Commissioners who want to visit this site to call me anytime and I'll arrange to take you out.

Mr. Jason asked if there has been any contact with the Land Bank or other organizations? Mr. Lee responded yes, Mr. Fischer has spoke to Mr. Delaney at the Land Bank. Mr. Jason asked if Mr. Diem has expressed any interest in negotiating with the Land Bank? Mr. Lee responded Mr. Diem is willing to cooperate in working out an agreement to preserve the more exposed property. Mr. Lee stated that the fact that you can see this land from the water is a very important, the views should be protected.

Mr. McCavitt, Commissioner and member of the Land Bank, stated that Parcel 10, the land in question, was just sold to another individual for \$500,000. The Gay Head Land Bank doesn't have much money so this would have to be a Central Land Bank acquisition. The Commission should express it's sentiment to the Land Bank.

Mr. Early stated that we should all lobby the Land Bank.

It was decided that individual contact with the Land Bank would be more effective than one letter from the Commission.

Mr. Lee stated that other conservation groups should be contact as well, i.e. Sheriff's Meadow Foundation, Trustees of Reservations, etc.

Mr. Filley called for other committee reports.

Mr. Early, Chairman of Planning and Economic Development, stated that their report would be covered under Item #5, discussion on the regulations for the Oak Bluffs Planned Development District DCPC.

Mr. Filley then proceeded to Item #5.

ITEM #5 - Discussion - M.V. Shipyard DRI, Town of Tisbury

Mr. Filley asked Mark Adams, MVC Staff, to review the changes to this proposal since the public hearing.

Mr. Adams stated that there are copies of the revised plan in your packets. The bulkhead and the fill behind it are both eliminated, the existing rip rap is shown as the shoreline, and the dredging has been reduced to just over 800 cubic yards. We have also received another letter of support from Edith Potter who echoes the same sentiments of other supporters which are noted in the staff notes.

There was no discussion on this DRI. Mr. Filley moved to Item #6.

ITEM #6 - Possible Vote - M.V. Shipyard DRI, Town of Tisbury

It was motioned and seconded to approve the M.V. Shipyard DRI as revised. There was discussion on this motion concerning the possibility of the applicant deciding, in the future, to build the bulkhead. He would have to come back to the MVC with a modification proposal. The motion was amended to include a notation that if a bulkhead is proposed in the future, the applicant should submit plans to LUPC to determine if it is in compliance with the original proposal. If the proposed bulkhead is in compliance with the original plans it will not be reviewed as a DRI modification. The amended motion was seconded. There was no further discussion. This motion passed with a vote of 13 in favor, 0 opposed, 2 abstentions, Eber and Ewing. (Harney was in favor, Davis and Allen abstained.)

Following a short recess Mr. Filley continued with agenda items at 9:40 p.m.

ITEM #5 - Discussion - Regulations for Oak Bluffs Planned Development DCPC

Mr. Filley asked Greg Saxe, MVC Staff, to update the Commissioners on these regulations.

Mr. Saxe stated that the changes made by Mr. Wodlinger, MVC counsel, and discussed at the public hearing have been incorporated and copies were sent to all Commissioners with their agendas last week. The revised documents shows the corrections in underline. One of the concerns was which uses would be as-of-right uses, Commission Counsel felt there should be some. One suggestion for as-of-right uses would be municipal and regional facilities. Uses as-of-right now include agricultural and religious uses. Another item of concern is who would be the special permit granting authority. As written, the regulations now specify the Planning Board as the special permit granting authority but we have received detailed correspondence from Ann Mechur, Zoning Board of Appeals, suggesting that perhaps it should be another board or possibly a new entity made up of various board members. The latter was suggested to counsel who believes this would not be legal. An additional letter of correspondence was received from Mr. Harold Sears and he related concerns with the regional intent that was stated in the DCPC decision and the fact that it is now stated that a treatment plan, if constructed, would only service the new development. He expressed concerns with the growing problems of sewage and water quality, particularly in the downtown area, and the need to address these problems in a financial sound manner. Mr. Saxe stated that copies of Ms. Mechur's letter are available in Commissioners' packets and I won't review it in detail since it is rather lengthy and the main premise throughout is changing power from the Planning Board.

Mr. Filley opened the floor for general discussion.

Mr. Young, Commissioner, asked, referring to Ms. Mechur's letter, doesn't this document propose the formation of a new board? Mr. Saxe

responded yes but Commission Counsel doesn't think this would be legal therefore power would change to the Zoning Board of Appeals.

Mr. Early, Chairman of PED, stated that he has just seen this document, referring to Ms. Mechur's letter, and it's suggestions. I would like to know what the time frame is on these regulations. Ms. Borer stated there will be a meeting on February 1st, but there is no meeting planned for February 8th and the deadline is February 9th. Mr. Early suggested deferring the vote until next week's meeting to allow the Oak Bluffs and PED Committees a chance to review this new information.

Ms. Eber, Commissioner, stated that she is confused with the wording of 21.1.3B., 2nd sentence. Mr. Jason stated that it should be changed so that a period is placed after the word "be" instead of the comma and the rest of the sentence should be removed.

Ms. Sibley stated that she has a problem with the MVC waiving DRI review at this point in the process. Conceptually the idea of a comprehensive master plan is a good one and will encourage planning of the area. However, I have a problem with the Commission waiving DRI review at this stage rather than when we have had a chance to review the Master Plan. They will have 18 months and if they can't come up with sufficient detail we'll be in the uncomfortable position of saying no to the Master Plan. There also could be some portions of the parcel that will still need future review while others will not. I would rather see us postpone the waiver of review until we actually know what we are waiving. Mr. Saxe stated that the changes on Page 4, Section 21.1.4D were suggested by Counsel to address this. Mr. Sibley stated that it still doesn't quite address my concern. It doesn't allow for the determination that a whole area of the master plan is inadequate so the whole area might have to come back to us. I think the risk we run is that we may be boxed into the possibility of having to say no to the Master Plan. I think we are waiving DRI review prematurely.

Mr. Jason stated that he doesn't think we run any risks because we haven't seen the master plan. The last sentence of Section 21.1.4D does allow for specified elements of a development to be reviewed by the MVC.

Mr. Filley asked if the 18 month limit applies to MVC review of the Master Plan? Mr. Saxe responded no, it is for the approval by Town meeting of the Master Plan. Ms. Borer stated that there is no time limit on the Commission review. Mr. Filley asked if the MVC wanted changes to the Master Plan would it have to go back to Town Meeting and how would this affect the 18 month time limit? Ms. Borer responded that any changes would have to be approved by Town Meeting vote. Mr. Jason stated that adoption of the first Master Plan would satisfy the 18 month time frame any alterations after that would be in the form of amendments.

Ms. Sibley asked persuade me that 21.1.4G, as worded, essentially guarantees that the Commission when it reviews the Master Plan would be able to require the degree of detail that it needs to be able to



comfortable waive the individualized DRI review? Mr. Jason responded it will. This is an excellent planning document set up so we have all the answers before this becomes law.

Mr. Ewing asked there will be no retail use? Mr. Jason stated there could be. Ms. Borer added with a special permit.

Mr. Filley asked regarding Page 8, Section I, Traffic analysis, is there a method for waiver or consolidation of these analysis? Ms. Borer responded lowercase I, second sentence allows the Planning Board to review their analysis and approve it or request additional information.

Ms. Colebrook stated regarding 21.1.6, I am very uncomfortable with the fact that the Zoning Board of Appeals was not written into the review mechanism. I move we discuss the proposed amendments.

Mr. Filley stated that we should finish discussing any other questions and then proceed to the ZBA issue.

Mr. Saxe stated that we should review the 2 major issues from Ms. Mechur's letter; the change of the permit granting authority to the ZBA and the discussion of which uses will be permissible under as-of-right developments.

Mr. Early asked for a clarification on a point of information, was this letter written by Ms. Mechur as a member of the Zoning Board of Appeal rather than from the ZBA as a body? Ms. Mechur responded it was written by me as an individual with experience on the ZBA which is why it isn't on ZBA stationary. Ms. Mechur asked she could make a couple of comments. Mr. Filley stated yes, if it is germane to this and will help clarify things.

Ms. Mechur stated she thinks Mr. Saxe is correct in what he says as far as his synopsis but she wants to call attention to some of the major changes. Page 2, at the top, Sec. 21.1.6, which she read, I draw directly to the point in the cover letter. I really feel that the Town is going through financial stress and that if we can provide for this not only are we saving the Town some money but the applicant as well. There is a change to the Site Plan Review Board which adds a few more committees and boards not previously mentioned for instance the police and fire departments and the ZBA. Page 3, referring to page 5, paragraph 1, the second insert also reflects the Town's financial constraints. Other insertions deal with architectural renderings, building materials, shingles, etc. There are changes to legal language throughout. There are other changes that are meant to enhance the viability of our existing downtown business district as well. It also appears that the way these regulations are drafted there are no provisions for enforcement or appeal, Section 21.1.10 is added to address this. If it were a special permit granting authority it would have to have its own enforcement and appeals process delineated, however, based on Mr. Wodlinger indication that formation of a new body could not be done, if the ZBA where to be the special permit granting authority then we could just simply have the enforcement and appeals process be the ZBA's enabling legislation,

namely chapter 40A. While I appreciate all the time that was spent in developing these regulations I felt that as a ZBA member and a taxpayer I must submit these comments or I would be remise. I would be happy to answer any questions you may have.

Mr. Wey stated that he has some real concerns with these proposed changes. Ms. Mechur was at PED meetings, why were these issues not brought up then, previous to this? This is a major change at the 11th hour. I read these proposed amendments briefly and I am not really in favor of changing the permit granting authority from the Planning Board to the Zoning Board of Appeals. The Planning Board is a 5 member board who are elected. The Zoning Board of Appeals is a appointed by the Board of Selectmen. The Planning Board has been instrumental in working through this whole process and to change this now after many hours have been expended is a real concern to me.

Mr. Martin stated that the Oak Bluffs Committee will be meeting Wednesday night and everyone will be given a revised copy of this document and an opportunity to discuss these changes. Some of the changes suggested might be some areas that should be investigated. I too am strongly against the change of the permit granting authority from the Planning Board, they have worked very hard on these proposed regulations. Some of the issues Ms. Mechur has brought up would be developed at the Master Plan stage, such as siding, building materials, etc. When we get through with this and the Master Plan is voted, this will obviously be the strongest controlled business development in Oak Bluffs and possibly the Island. The Planning Board has been involved since the beginning, it is their job in my opinion, to be involved in the permit granting process, to determine if applicant's meet the criteria laid out. We could easily add the fire, police, highway department and ZBA to the Site Development Review Committee. We will meet next Wednesday to discuss proposed revisions.

Ms. Colebrook stated she was not privy to this document prior to the public hearing and I would like to understand why the ZBA was written out when it is clear that the State statute speaks to the special permit granting authority and the ZBA. My question is why were they not originally written in? Mr. Saxe responded that in the list of referral board it was probably just an oversight. In reference to why the Planning Board was chosen as the special permit granting authority over other boards, the term PD special permit is somewhat misleading in that it is not a special permit for a variance or setback from a wetland, it is a special permit that would lay out infrastructure, parking lots, several buildings, intertwined open space and trails. It is not a special permit on a particular building applications but on a whole series of interacting buildings. It was felt by the Committee that the Planning Board had that perspective. Ms. Colebrook then asked, would the ZBA section Ms. Mechur cited be adequate to deal with any issue that might come up? Mr. Saxe stated that the way the proposed by-laws is written it doesn't preclude the usual appeals process that any decision of any town board or any grievance can be appealed to the ZBA. The decisions of the Finance Committee, Board of Selectmen, Planning Board can all be appealed as per the zoning act and this would not change that.

Ms. Sibley stated that it is not unusual for the Planning Board to have special permit granting authority, i.e. the Upper Main Street B-2 District in Edgartown. You are not really looking for an exception to the rule you are simply looking for permission to do something that is permitted by special permit.

Mr. Young stated that it is the same thing in West Tisbury regarding the Business District and there was the same argument from the ZBA that they should retain the special permit granting authority. But in this case, as in West Tisbury, the special permit process is to assure conformance with an overall plan not to look at exceptions to existing rules, it is a different kind of special permit. It is very arguably outside the jurisdiction of the ZBA since it is not a variance.

Mr. Saxe stated that the situation in Oak Bluffs now is that the Open Space Community plans and Site Development plans are reviewed by the Planning Board and the Coastal District, Special Ways District and variances are reviewed by the ZBA. That is not a complete list but it is representative.

Ms. Mechur stated that this is breaking new ground since we have never had a development of such magnitude in our town, particularly at such a crucial financial time. Planners feel that development is one way to expand the tax base and create greater revenue for the Town, which is correct, however it will also increase the amount of services required in order to allow for an expansion of a tax base. Residential use creates the greatest drain on the public dollar, i.e. schools, police, etc. however there is no such thing as a free lunch and any expansion will drain the coffers further. I feel that allowing the Planning Board to be the sole special permit granting authority would be playing with fire. My original suggestion was to combine members of the ZBA, Selectmen and Planning Boards based on the same reason why the 3 bodies are all allowed to do that kind of thing under Chapter 40A and I still question Mr. Wodlinger's response to that suggestion. She listed why each body is important to this permit granting authority.

Mr. Schweikert asked what the reason were that the attorney stated for why we could not use this suggestions? Mr. Jason stated that the General Laws don't give use the right to create such a body.

Ms. Colebrook asked if Mr. Wodlinger has anything to say about the ZBA being the sole permit granting authority? Ms. Borer responded that it is a possibility just like the Planning Board but in the zoning there is actually already a process for appeals to the ZBA.

Mr. Ewing stated that we have a selectman here, could he give us his views? Mr. Wey stated that mine are the same as Mr. Martin's, etc. The special permit granting authority should be the planning board.

Ms. Eber stated that she thinks there is a tremendous difference between the Planning Board, which is an elected body, and the ZBA which is appointed. The Planning Board elections gives them more stature.

Mr. Filley asked if the PED Committee could met before next thursday?  
Mr. Early responded we can meet with the Oak Bluffs Committee on Wednesday, at 7:00 p.m. at the Commission offices.

Mr. Filley recommended that all interested parties become involved in this meeting.

There was discussion on whether the record and/or hearing should be reopened. It was decided that this was not necessary since discussion would center on recommendations received prior to the close of the record.

Mr. Filley polled the Commissioners to see if the Commissioners feel that these suggested modifications would constitute a significant change. The consensus felt the modifications would not constitute a significant change.

Mr. Early again stated we will be meeting next Wednesday at 7:00 p.m. here at the MVC Offices. Ms. Borer stated that anyone that can't attend could call on the phone or jot down some notes that can be reviewed at the meeting.

Mr. Morgan stated that he thinks there will be further questions, i.e. if this will be injurious to the downtown business district.

Ms. Sibley asked who will determine if the projects are offensive or overburdening to Town facilities and inappropriate in this location? My guess is that the people of Oak Bluffs would be far more comfortable with this document if it includes a commitment to provide for the protection of the downtown business district.

Mr. Martin stated that the board of directors will be running this under Chapter 40D, they are in fact financial managers. If something comes to them that they know doesn't fit into the criteria they can say no, but other than that they don't have any discretion to say who comes and who doesn't. It is the Planning Board that decides who comes and who doesn't based on the input from other boards. Since there will be a strict master plan they have to adhere to the Planning Board is the best to determine whether they adhere or not. The 5 managers are really financial managers, they are responsible to make sure whether this project makes money for the town and doesn't lose money.

Ms. Colebrook asked what would happen if the town meeting fails to approve this document? Ms. Borer explained that this will not go before town meeting, the master plan will. These regulations must be adopted before February 9th or the DCPC terminates and the Town meeting isn't until April.

When there was no further discussion on these regulations Mr. Filley returned to agenda items.

ITEM #6 - Possible Vote - Adoptions of Regulations for the Oak Bluffs Planned Development District.

This item will be addressed on next week's agenda.

Mr. Filley then addressed the final agenda item.

ITEM #8 - Correspondence


Ms. Borer reviewed a letter she had sent to Mr. Smith at the District #7 office of DPW regarding the Lagoon Pond Bridge and a request for a meeting with Town Boards to discuss this prior to the final planning stage. I did receive a copy of an interoffice memo to the Deputy Chief Engineer requesting that he respond to our request. I will keep you informed.

Mr. Early asked what is being done out there now? Mr. Borer responded surveying.

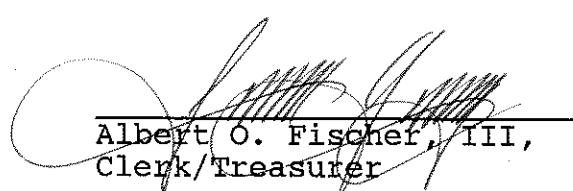
There were no additional items of correspondence.

The meeting was adjourned at 10:37 p.m.

ATTEST

  
J. Woodward Filley,  
Chairman

2/1/90  
Date

  
Albert O. Fischer, III,  
Clerk/Treasurer

2/1/90  
Date

Attendance

by James Young,  
Vice-Chairman

Present: Bryant, Colebrook, Early, Eber, Ewing, Filley, Jason, Lee, Morgan, Schweikert, Sibley, Sullivan, Wey, Young, McCavitt, Harney.

Absent: Fischer, Greene, Allen, Geller, Davis.